



Docket No. 105916.167US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Robert K. O'LEARY et al. :
Serial No.: 10/732,799 : APPLICATIONS BRANCH
Filed: December 11, 2003 :
For: APPARATUS FOR DEMINERALIZING OSTEOINDUCTIVE BONE

**RESPONSE TO NOTICE TO FILE
MISSING PARTS OF NONPROVISIONAL APPLICATION**

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated March 17, 2004, submitted herewith are the following documents for filing in the above-referenced application:

1. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.63)
2. Copy of the Notice to File Missing Parts of Nonprovisional Application
3. Proof of Pertinent Facts in Support of Petition Under 37 CFR § 1.47(a)
4. Assignment Recordation Form Cover Sheet
5. Assignment
6. Petition for Extension of Time
7. Information Disclosure Statement and PTO-1449
8. Transmittal of Formal Drawings
9. 2 Sheets of Formal Drawings

Please charge Deposit Account No. 08-0219 in the amount of \$1,199.00 (\$385.00 basic filing fee, \$65.00 late oath surcharge, \$104.00 additional claims fees, \$40.00 assignment fee, \$130.00 petition fee and \$475.00 three month extension of time fee). To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. 1.136. Please charge any shortage

in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-0219 and please credit any excess fees to such deposit account.

[X] The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 08-0219. A duplicate copy is enclosed.

[X] Any additional filing fees required under 37 CFR 1.16.

[X] The Commissioner is hereby authorized to charge payment of following fees during the pendency of this application or credit any overpayment to Deposit Account No. 08-0219. A duplicate copy of this sheet is enclosed.

[X] Any patent application processing fees under 37 CFR 1.17.

[X] Any filing fees under 37 CFR 1.16 for presentation of extra claims.

It is requested that the official filing receipt now be issued.

Respectfully submitted,

Wilmer Cutler Pickering Hale and Dorr LLP



Belinda M. Lew, Ph.D.
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Date: AUGUST 17, 2004
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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/732,799	12/11/2003	Robert K. O'Leary	105916.167US1

24395
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CONFIRMATION NO. 5878

FORMALITIES LETTER



OC000000012115179

Date Mailed: 03/17/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/18/2004 JADD01 00000088 080219 10732799

FILED UNDER 37 CFR 1.53(b)

01 FC:2001 385.00 DA
 02 FC:2051 65.00 DA
 03 FC:2201 86.00 DA
 04 FC:2202 18.00 DA

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$104 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$554** for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is **\$104**

- **\$86** for 2 independent claims over 3.
- **\$18** for 2 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE